PROB 12C(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

2016 DEC 19 PM 3: 30

WESTERN DISTRICT OF TEXAS

DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Irma Viviana Lara

Case Number: EP-15-CR-1245DCG(2)

Name of Sentencing Judicial Officer: David C. Guaderrama, U.S. District Judge

Date of Original Sentence: October 29, 2015

Original Offense: Harboring Aliens for Financial Gain, 8 U.S.C. 1324

Original Sentence: 12 Months and One Day Imprisonment and Two Years Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: May 27, 2016

Assistant U.S. Attorney: Yvonne S. Gonzalez **Defense Attorney:** Felix Valenzuela

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PETITIONING THE COURT

[X] To issue a warrant

[ ] To issue a summons

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number 1: The defendant shall not commit another federal, state, or local crime during the term of supervision.

Nature of Noncompliance: On July 11, 2016, agents with the U.S. Border Patrol responded to a call from the El Paso County, Texas, Sheriff's Office at 5451 O'Leary Road, in El Paso, Texas. The Sheriff's Office had responded to a distress call at the address. Four individuals, two adult women and two minor children, were present. The adult women advised that they were feeling ill and needed medical attention. They had not had any food since the day before. Both adult women admitted they and the children were smuggled into the United States from Mexico and housed at the residence. Emergency Medical Services (EMS) was called and evaluated the individuals. It was determined they exhibited symptoms of dehydration. They were transported to a hospital for services. Once discharged they were transported to the Ysleta Border Patrol Station for processing.

While at the scene the Border Patrol Agents determined that Irma Viviana Lara was the tenant of the residence. They observed correspondence addressed to her as well as documents including a lease agreement and Judgement in a Criminal Case in EP-15-CR-1245DCG(2). Lara was not present at the residence at the time of the apprehension of the undocumented aliens in the home. The United States Attorney's Office declined prosecution in this matter.

The probation office verified Lara's residence at the same address on June 19, 2016. Lara reported a changed of address to another residence effective July 26, 2016.

Violation Number 2: The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.

Violation Number 3: The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.

Nature of Noncompliance: Lara was enrolled in a co-occurring mental health and substance abuse treatment program on June 23, 2016. She failed to attend the initial individual counseling appointment as scheduled on July 21, 2016, and subsequent counseling sessions on October 4, 2016 (individual); October 6, 2016 (group); November 3, 2016 (individual). She failed to submit urine specimens as part of treatment services on July 18, 2016; September 23, 2016; and October 27, 2016. Lara failed to attend her psychiatric evaluation as scheduled on September 28, 2016; October 19, 2016; and November 21, 2016.

Violation Number 4: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Nature of Noncompliance: Lara submitted urine specimens which tested positive for cocaine on August 15, 2016; and September 9, 12, and 21, 2016. Lara submitted a urine specimen which tested positive for cocaine and amphetamines on November 17, 2016. Lara admitted in writing to the use of cocaine and amphetamines as indicated in the positive tests. On August 14, 2016, during a home visit, Lara admitted in writing to consuming a 12-pack of 12 oz. cans of beer on August 13, 2016.

U.S. Probation Officer Recommendation:

The term of supervision should be

[X] revoked.

[ ] extended for _________ years, for a total term of ___________ years.

[ ] the conditions of supervision should be modified as follows:

Respectfully submitted,

Melanie H. Statom
Senior U.S. Probation Officer
Office (915) 585-6564
Cellular (915) 861-8568

Approved by,

J. Anthony Glover
Supervising U.S. Probation Officer
Office (915) 585-6560
Cellular (915) 861-8755

Date: December 2, 2016

THE COURT ORDERS:

[ ] No action.

[X] The issuance of a warrant.

[ ] The issuance of a summons.

[ ] Other

David C. Guaderrama, U.S. District Judge

12.15.16
Date